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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,941	01/04/2002	Wendell B. Colson	4686/00004	4413

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BOSTON, MA 02109-9601

EXAMINER
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BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/869,941

**Applicant(s)**

COLSON ET AL.

**Examiner**

Jenna-Leigh Befumo

**Art Unit**

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-157 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-157 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1 – 34 and 103 – 113, drawn to an apparatus comprising a warp yarn support system, a delivery system for weft yarns, a power means, a guide system, a driven take-up system and a heater (Class 156/169).

Group II, claims 35 – 39, drawn to a nonwoven with yarns in the warp direction and yarns in the weft direction (Class 442/50).

Group III, claims 40 – 43, drawn to an architectural covering and support system (Class 52/3).

Group IV, claims 44 – 70, 114 – 127, and 143 – 157, drawn to a nonwoven with yarns in the warp direction and yarns in the weft direction which are adhesively bonded together (Class 442/149).

Group V, claims 71 and 72, drawn to a method of making a nonwoven fabric by using rollers to align the yarns (Class 28/102).

Group VI, claims 73 – 76 and 128 – 129, drawn to a method applying adhesive to warp yarns and bonding the warp yarns to weft yarns (Class 156/180).

Group VII, claims 77 – 86 and 95 – 102, drawn to a set of parallel warp yarns bonded together by an adhesive web (Class 428/105).

Group VIII, claims 87 – 94, drawn to a method of forming a nonwoven web by joining parallel yarns with adhesive (Class 156/166).

Group IX, claims 130 – 142, drawn to an pressure lamination apparatus having a pressure box, housing for the pressure box, rotating belts, and a fluid medium pressure generator (Class 156/498).

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2. The inventions listed as Groups I – IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the groups set forth above do not have the same corresponding special technical feature. The apparatus groups (I and IX) have different technical features from each other since the claims recite different parts are present in the apparatus. These groups (I and IX) also have different special technical features from the nonwoven product groups (II, III, IV, and VII) since the product groups have structural properties as their special technical feature which are not directly related to the apparatus. The apparatus groups are separate from the method groups (V, VI, and VIII) since the method groups have process limitations as the special technical feature which are not recited in the apparatus claims.

Further, the product groups are separate from the method groups since the product groups recite structural features as their special technical feature which are not related to method limitations.

The product groups are separate from each other since the claims do not have a corresponding special technical feature. Group II has a set of warp yarns and a set of weft yarns as the special technical feature, no adhesive is required. Group III is drawn to an architectural covering which requires a control system. Group IV has a set of warp yarns and a set of weft yarns which are adhesively bonded together as the special technical feature. And Group VII has a set of parallel yarns which are bonded by an adhesive web as the special technical feature. Group VII does not recite weft yarns and is therefore separate from Group IV.

The process groups are separate from each other since the claims do not have a corresponding special technical feature. Group V recites using rollers to align yarns as the special technical feature. Group VI recites that adhesive is applied to the warp yarns and then the warp yarns are bonded to the weft yarns to create a fabric. Group VIII bonds parallel warp yarns with an adhesive web and does not recite the presence of weft yarns. Thus, the groups are drawn to different special technical features and do not relate to a single inventive concept.

3. Due to the complexity of the lack of unity requirement a telephone call was not made to request an oral election.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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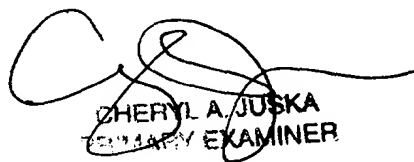
application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (703) 605-1170. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jenna-Leigh Befumo  
August 25, 2003



CHERYL A. JUSKA  
PRIMARY EXAMINER